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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

EBAY INC.,

Plaintiff,

v.

DIGITAL POINT SOLUTIONS, INC.,  
 SHAWN HOGAN, KESSLER'S  
 FLYING CIRCUS, THUNDERWOOD  
 HOLDINGS, INC., TODD DUNNING,  
 DUNNING ENTERPRISE, INC., BRIAN  
 DUNNING, BRIANDUNNING.COM,  
 and DOES 1-20,

Defendants.

Case No. C 08-04052 JF PVT

**[PROPOSED] ORDER GRANTING  
 EBAY INC.'S MOTION TO  
 COMPEL RESPONSES TO  
 REQUESTS FOR PRODUCTION,  
 INTERROGATORIES AND  
 REQUESTS FOR ADMISSION  
 FROM DIGITAL POINT  
 SOLUTIONS, INC. AND SHAWN  
 HOGAN**

Hearing Date: November 3, 2009

Time: 10:00 a.m.

Judge: Hon. Patricia V. Trumbull

[PROPOSED] ORDER GRANTING  
 EBAY'S MOTION TO COMPEL  
 CASE NO. C 08-4052 JF PVT

1 eBay's Motion to Compel Responses to Requests for Production, Interrogatories  
2 and Requests for Admission from Digital Point Solutions, Inc. and Shawn Hogan was  
3 heard by the Court on November 3, 2009. Upon consideration of the papers submitted  
4 and the arguments of counsel, and for good cause shown, the Court hereby GRANTS  
5 Plaintiff's Motion and ORDERS:

- 6 1. that, notwithstanding his continuing invocations of his Fifth Amendment  
7 rights, within 15 days of this Order Defendant Shawn Hogan produce all  
8 documents responsive to eBay's First and Second Sets of Requests for  
9 Production that were previously obtained by the FBI, including but not  
10 limited to any such documents that may be within his control at third party  
11 NetHere, Inc.;
- 12 2. that Defendant Digital Point Solutions, Inc. conduct a diligent search for and  
13 produce all documents responsive to eBay's First and Second Set of  
14 Requests for Production within 15 days of this Order, including by  
15 exercising any and all rights that it may have to obtain documents from third  
16 party NetHere, Inc.; and
- 17 3. that Defendant Digital Point Solutions, Inc.'s objections to eBay's  
18 Interrogatories No. 1-2, Requests for Admission No. 1-23 and Requests for  
19 Production No. 1-8, 13-14 and 23 on the grounds that the definition of  
20 "DPS" is overbroad, unduly burdensome and oppressive are stricken and  
21 Digital Point Solutions, Inc. shall provide supplemental responses to those  
22 requests, including information regarding "DPS" as defined by eBay, within  
23 15 days of this Order.

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IT IS SO ORDERED.

DATED: \_\_\_\_\_

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The Honorable Patricia V. Trumbull  
United States Magistrate Judge